

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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DAMON MICHAEL DIMARTINO,

Civil No. 19-427 (JRT/SER)

Petitioner,

v.

JEFF TITUS,

Respondent.

**ORDER**

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Damon Michael DiMartino, OID #: 205119, MN Correctional Facility,  
7600 525th Street, Rush City, MN 55069, *pro se* petitioner.

Matthew Frank, **MINNESOTA ATTORNEY GENERAL'S OFFICE**,  
445 Minnesota Street, Suite 1800, St Paul, MN 55101-2134, for  
respondent.

United States Magistrate Judge Steven E. Rau filed the Report and  
Recommendation on April 17, 2019 [Docket No. 8]. No objections have been filed to the  
Report and Recommendation in the time period permitted. Accordingly, **IT IS  
HEREBY ORDERED** that:

1. Petitioner Damon Michael DiMartino's Petition (Docket No. 1) is  
**DENIED WITH PREJUDICE** with respect to Ground One and  
**DENIED WITHOUT PREJUDICE** with respect to Ground Two.
2. No certificate of appealability will be granted.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: June 3, 2019  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court